

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SAMANTHA JONES ELABANJO,)	
)	
Plaintiff,)	
)	
v.)	1:11CV349
)	
OFFICER JASON BELLEVANCE,)	
OFFICER BRANDON PERRY,)	
OFFICER TELFAIR, OFFICER WAGNER,)	
TOWN OF CHAPEL HILL, and CHAPEL)	
HILL POLICE DEPARTMENT,)	
)	
Defendants.)	

ORDER

On September 18, 2012, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed timely Objections (Doc. 35) to the Recommendation, Defendants filed a Response (Doc. 37), and Plaintiff filed a Reply (Doc. 39) to Defendants' Response.

The court has reviewed the parties' submissions *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 33), which is affirmed and adopted.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss (Doc. 19) is GRANTED, and all claims against the Chapel Hill Police Department are DISMISSED, all claims against the Town of Chapel Hill and any of its employees sued in their official capacity are DISMISSED, and Plaintiff's § 1983 claims for alleged violation of her

Fourth Amendment rights based on alleged "false arrest" or "malicious prosecution," as set out in the Recommendation, are DISMISSED.

IT IS FURTHER ORDERED that this action shall continue into discovery as set forth in the court's previous Scheduling Order (Doc. 28) with respect to Plaintiff's § 1983 claims against Officers Bellevance, Perry, Telfair, and Wagner, in their individual capacities, for the alleged violations of Plaintiff's Fourth Amendment rights based on her claim of excessive force, and for the alleged violation of her First Amendment rights.

/s/ Thomas D. Schroeder
United States District Judge

November 19, 2012